

Notice of Allowability

Application No.

10/524,078

Examiner

Bryan R. Muller

Applicant(s)

AVGANIM, MAIR

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/30/2006.
2. ☒ The allowed claim(s) is/are 1,2,5-9,11 and 12.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>2/3/05, 1/30/06</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Eric S. Hyman on 4/12/2006.
3. The application has been amended as follows:
 - a. The word "triangle" has been added between the words "angled" and "cross" in line 2 of claim 7.
 - b. Claims 10 and 13-15 have been cancelled.
 - c. Claims 7-9, drawn to non-elected species within Group 1, have been rejoined.
 - d. All reference numbers and legal phraseology have been removed from the abstract, so that the amended abstract shall read:

Abstract: A screw having a screw-threaded shank and a circular head, the head being provided with three radially extending screwdriver tip receiving portions defined between three first, off central integrally formed projections designed to become shaved-off the screw head by a pre-set force applied during tightening of the screw, and three second, integrally formed projections designed

to withstand a shear force greater than the pre-set force applied during slackening of the screw.

4. The following is an examiner's statement of reasons for allowance: The art of record (considered as a whole) neither anticipates nor renders obvious a screw having a head, the head being provided with at least one first, integrally formed projection of a generally right-angled triangle cross-section seen in a plane parallel to the axis of the screw head such-that it is designed to become shaved-off the screw head by a pre-set shear force applied during tightening of the screw, and a second, integrally formed projection designed to withstand a shear force greater than the said pre-set force applied during slackening of the screw in combination with the rest of the claimed limitations set forth in the independent claim. The closest prior art references include Barthet al (4,223,585), Demirdogen et al (5,647,712), Schlueter (2,659,952) and Higganbotham et al (7,014,403) all disclose integrally formed projections having similar structure to the first integrally formed projection of the current invention. However, none of these references are designed such that the integrally formed projections will intentionally shear off when a pre-set shear force is applied to them and, even though the projections may inherently shear off under a certain force, none of the references further disclose a second projection designed to withstand a greater force. Wilson (4,109,691) discloses a screw having first projections that are designed to shear off under a pre-set force, but the projections do not have the same structure as the first projections of the current invention and the screw of Wilson also fails to disclose a second projection that is designed to withstand a greater force.

Art Unit: 3723

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan R. Muller whose telephone number is (571) 272-4489. The examiner can normally be reached on Monday thru Thursday and second Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



BRM BRM
4/13/2006

Joseph J. Hail, III
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